

1
2
3
4
5
6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9

10 HOPLAND BAND OF POMO INDIANS ET
11 AL.,

No. C 12-00556 CRB

12 Plaintiff,

**ORDER RE MOTIONS FOR
SUMMARY JUDGMENT**

13 v.

14 SALAZAR ET AL.,

15 Defendant.
16 _____/

17 This lawsuit challenges the Bureau of Indian Affairs' (BIA) denial of several Indian
18 tribes' (Plaintiffs) proposals to enter into so-called "self-determination" contracts for law
19 enforcement services, *i.e.*, contracts where the federal government funds and / or authorizes
20 services that the tribes operate by and for themselves. While this Court is sympathetic to the
21 tragic plight of the American Indian community, the issues now presented are controlled by a
22 recent Ninth Circuit Court of Appeals decision. In Los Coyotes Band of Cahuilla & Cupeno
23 Indians v. Jewell, the Ninth Circuit considered and rejected virtually all of the substantive
24 arguments Plaintiffs make here.¹ 729 F.3d 1025 (9th Cir. 2013). The one argument Plaintiffs
25 put forward that was not addressed in Los Coyotes—that Defendants failed to fulfill their fiduciary
26 trust obligations to Plaintiffs—was not before the Ninth Circuit in Los Coyotes because the district
27 _____

28 ¹ Specifically, Los Coyotes requires that this Court reject Plaintiffs' arguments that the BIA's action here violates: (1) the Indian Self-Determination Act; (2) 25 U.S.C. § 450k; (3) the Administrative Procedure Act (arbitrary and capricious); (4) the Administrative Procedure Act (notice and comment procedures); and (5) the Fifth Amendment Equal Protection Clause.

1 court had rejected the argument and the tribe there chose not to appeal. For the same reasons
2 articulated by the district court in Los Coyotes, this Court rejects Plaintiffs' trust doctrine argument.
3 Los Coyotes Band of Cahuilla & Cupeno Indians v. Salazar, 2011 WL 5118733 at *7-8 (S.D. Cal.
4 Oct. 28, 2011) *rev'd in part by* Los Coyotes, 729 F.3d 1025. The Court GRANTS Defendants'
5 motion in full.²

6
7 **IT IS SO ORDERED.**

8
9
10 Dated: November 22, 2013



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 ² Because the Court grants Defendants' motion, it need not reach the question of whether Plaintiffs are entitled to monetary damages.